

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINA BLACKHURST, )  
 ) 02:04-cv-2191-GEB-GGH  
Plaintiff, )  
 ) ORDER\*  
v. )  
 )  
TRINITY CHURCH, and DONNA HARREL, )  
 )  
Defendants. )  
\_\_\_\_\_ )

On November 10, 2005, Plaintiff filed a motion for authorization to serve a trial subpoena on a non-party witness that lives in Canton, Ohio. Plaintiff is correct that Federal Rule of Civil Procedure 45(b)(2) provides for service of a subpoena on this prospective witness if authorized by the Court "upon proper application and cause shown." However, such service may only be authorized "[w]hen a statute of the United States provides therefor . . . ." Fed. R. Civ. P. 45(b)(2). Plaintiff has failed to identify any statutory authority that provides for the service of a

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\* This matter was determined to be suitable for decision without oral argument. L.R. 78-230(h).

1 subpoena upon the prospective witness. Therefore, Plaintiff's motion  
2 is denied.

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4 IT IS SO ORDERED.

5 DATED: November 21, 2005

6 /s/ Garland E. Burrell, Jr.  
7 GARLAND E. BURRELL, JR.  
8 United States District Judge  
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